

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

IN RE: CYCLOBENZAPRINE)
HYDROCHLORIDE EXTENDED) Civ. No. 09-MD-2118 SLR
RELEASE CAPSULE PATENT)
LITIGATION)

CEPHALON, INC., et al.,)
)
Plaintiffs,)
)
v.) Civ. No. 09-18-SLR
)
IMPAX LABORATORIES, INC.,)
)
Defendant.)

CEPHALON, INC., et al.,)
)
Plaintiffs,)
)
v.) Civ. No. 09-492-SLR
) Civ. No. 09-922-SLR
ANCHEN PHARMACEUTICALS,)
INC., et al.,)
)
Defendants.)

EURAND, INC., et al.,)
)
Plaintiffs,)
)
v.) Civ. No. 09-715 SLR
) Civ. No. 09-923-SLR
ANCHEN PHARMACEUTICALS,)
INC., et al.,)
)
Defendants.)

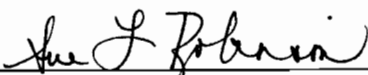
ORDER

At Wilmington this 24th day of September, 2010, having conferred with counsel and having reviewed the email correspondence between counsel regarding settlement negotiations in *Cephalon, Inc. v. Impax Laboratories, Inc.*, Civ. No. 09-18-SLR (D.I. 95, 96);

IT IS ORDERED that the issues of infringement and invalidity as to Impax Laboratories, Inc. ("Impax") shall be bifurcated, with the issue of invalidity going forward to trial commencing on September 29, 2010.

IT IS FURTHER ORDERED that:

1. The dispute involving newly issued U.S. Patent No. 7,790,199 ("the '199 patent"), as that patent is or may be asserted against defendants Impax, Anchen Pharmaceuticals, Inc. and Anchen, Inc. (collectively "Anchen"), shall be separately litigated in due course.
2. The court shall conduct a telephone conference with counsel for plaintiffs, Impax and Anchen on Friday, October 15, 2010 at 9:30 a.m., with plaintiffs' counsel initiating the call. These parties shall be prepared to discuss: (a) what discovery, if any, will be requested by plaintiffs and Impax in order to prepare for trial on the issue of infringement; and (b) the status of the '199 patent litigation.


United States District Judge